

REMARKS

Claims 1-7 are currently pending in the application. Claim 1 has been amended by moving the term “and” from line 6 to line 12, by changing “database, for” to “database and for” at line 8, by changing “for sequentially presenting items” to “said marketer server presenting in series in series individual items” at lines 10-11, by changing “to confirm” to “means for confirming at said user terminal” at line 13, by changing “the intention to purchase upon receiving notification from said user terminal of the intention to purchase items” to “an intention to purchase an individual item of said items” at lines 13-15, and by changing “could” to “can” at line 17. Support for such amendments may be found in Figures 4, 6a, and 6b and in the Specification at page 6, lines 5-8. Claim 3 has been amended by changing “sequentially presenting items” to “said marketer server presenting in series individual items” at line 10 any by adding the phrase “an individual item of said items in said shopping cart” at line 12. Support for such amendment may be found in Figures 4, 6a, and 6b and in the Specification at page 6, lines 5-8. Claim 5 has been amended by adding the phrase “reading from a recording medium to a marketer server” at lines 5, 8, 12, and 15 of the claim. Support for such amendment may be found in the Specification at page 8, line 24 – page 9, line 2, and in Figure 3. Claim 5 has also been amended by changing “sequentially presenting items” to “presenting in series individual items” at line 13 and by changing the phrase “purchase items” to “purchase an individual item of said items” at lines 14-15. Support for such amendment may be found in Figures 4, 6a, and 6b and in the Specification at page 6, lines 5-8. Claim 7 has been amended by changing “sequentially presenting items” to “said marketer server presenting in series individual items” at lines 11-12 and by adding the phrase “an individual item of said items in the shopping cart” at lines 14-15. Support for such amendment may be found in Figures 4, 6a, and 6b and in the Specification at page 6, lines 5-8. No new matter has been added.

The Claimed Invention

The claimed invention provides a system, a method, a computer program, and a server for use in on-line shopping to enable items in a shopping cart stored in a shopping cart database to be presented to a shopper sequentially rather than

simultaneously — *i.e.*, in series rather than all at once — for confirmation of purchases. A shopper's intent to purchase may thus be separately confirmed for each item in a shopping cart at the time of checkout, with items not confirmed being returned to the shopping cart for purchase at a later time instead of being canceled. As a result, a shopper may choose to keep some items in the shopping cart while purchasing others. In addition, when seeking to purchase an item of which limited quantities are available, a shopper who does not want to purchase such item right away may obtain priority for purchasing it at a later time by maintaining the item in his or her shopping cart.

To that end, the claimed invention provides a marketer server 10, a network 20 which may be the Internet, at least one user terminal 30, a shopping cart database 40, a recording medium 50, and an item database 60. A shopper, or user, is thereby enabled to: operate a user terminal 30 to connect to the marketer server 10; select an item to purchase; and cause the marketer server 10 to place the item in the user's shopping cart which is stored in the shopping cart database 40. The recording medium 50 stores the program according to which the marketer server 10 executes these processes. Upon completion of the shopping session, the user may examine the shopping cart and choose to "purchase while examining items one at a time." (Figure 5) The marketer server 10 then removes one of the items from the shopping cart and presents it to the user who determines, one item at a time, whether to purchase the item at that time or to wait until later. (Figure 6a) Once the choice is made as to one item, the next item in the shopping cart, if any, is presented to the user for confirmation. (Figure 6b) The process continues until the user has reviewed each item in the shopping cart. (Figure 4) Figures 6a and 6b show that the one-by-one presentation of shopping cart items for confirmation of purchase, according to the claimed invention, may be effective even with a user terminal that has a display significantly smaller than the display of a conventional personal computer.

Claims 5-6 have been rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully traverse on the basis that the claims clearly require the application of technology. Notwithstanding, however, Claim 5, from which Claim 6 depends, is currently amended to make it more explicit that the program is embodied on a computer medium, as discussed below.

Claims 1-7 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. 2001/0011239 to Kondoh et al. Applicants respectfully traverse on the basis that Kondoh et al. do not anticipate the claimed invention, as discussed below.

Rejection of Claims 5 Under 35 U.S.C. § 101

Applicants respectfully traverse the rejection of Claims 5-6 under 35 U.S.C. § 101 as directed to non-statutory subject matter, on the basis that Claims 5-6 clearly require the application of technology. Notwithstanding, Claim 5 (from which Claim 6 depends) is currently amended by adding the phrase “reading from a recording medium to a marketer server” to each limitation. (Claim 5, lines 5, 8, 12, and 15) As a result, Claims 5-6 should now be in condition for allowance.

Rejection of Claims 1-7 Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of Claims 1-7 under 35 U.S.C. § 102(e) as anticipated by Kondoh et al., on the basis that Kondoh et al. do not anticipate the claimed invention.

In commenting on arguments presented by Applicants in response to the previous office action, the Examiner confirmed that rejection of the arguments was based on an incorrect reading of the term “sequentially” by which the term encompasses both a presentation of items simultaneously in a list, as in Kondoh et al, and a presentation of items one-at-a-time in series, as in the claimed invention. Applicants traverse the Examiner’s reading of Kondoh et al. on the basis that the very dictionary definition of *sequentially* referenced by the Examiner — *i.e.*, “an order of succession” (Office Action at 4) — clearly does not apply to the disclosure of Kondoh et al., where items are presented all at once in list format without a transition or succession from item to item, as in the claimed invention. Indeed, the Examiner has recognized that one-item-at-a-time presentation of items for purchase, as in Figures 6a and 6b, is not covered by Kondoh et al., even as the Examiner incorrectly found that the claim language “does not exclude other sequential presentations” (which the Examiner has taken to include of a list comprised of various items presented simultaneously). (Office Action at 4)

While traversing the Examiner’s reading of the term “sequentially” as incorrect on its face, Applicants have nonetheless amended independent Claims 1, 3,

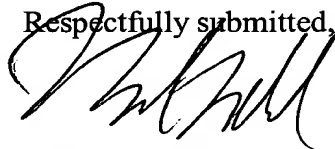
5, and 7 to employ *inter alia* the term "in series individually" instead of "sequentially," as indicated above. The amendments clarify the distinction between the use of lists by Kondoh et al. and the use of on-at-a-time sequential presentation in the claimed invention. Such one-at-a-time sequential presentation is taught in the Specification at Figure 4, Figure 6a, and Figure 6b, as well as at page 6, lines 5-8. Because the disclosure of Kondoh et al. clearly does not address the presentation of items *in series*, Claims 1-7 should now be in condition for allowance.

Conclusion

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1-7 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees for the petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,



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